

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**


BILLY GENE MARSHALL,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-14-1181-HE
	)	
H.A. RIOS, JR., Warden L.C.F., <i>et. al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Billy Gene Marshall, a state prisoner appearing *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Suzanne Mitchell, who recommends this case be dismissed in accordance with L.Cv.R. 3.3(e) for failure to timely pay filing fees [Doc. #16]. Having failed to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation [Doc. # 16] and **DISMISSES** the case without prejudice.

**IT IS SO ORDERED.**

Dated this 20th day of February, 2015.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE